

TITLE 2

CLASSIFICATION, ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Classification
- 2.08 City and Ward Boundaries
- 2.12 Social Security Coverage
- 2.20 City Council
- 2.24 Mayor
- 2.28 City Clerk/Treasurer
- 2.32 City Attorney
- 2.36 Fire Department
- 2.40 Police Department
- 2.44 District Court
- 2.48 Salaries of Employees
- 2.52 Doing Business with the City

CHAPTER 2.04

CITY CLASSIFICATION

Sections:

- 2.04.01 Operation as first class city

2.04.01 Operation as first class city The city shall operate as a city of the first class under the laws of the state of Arkansas.

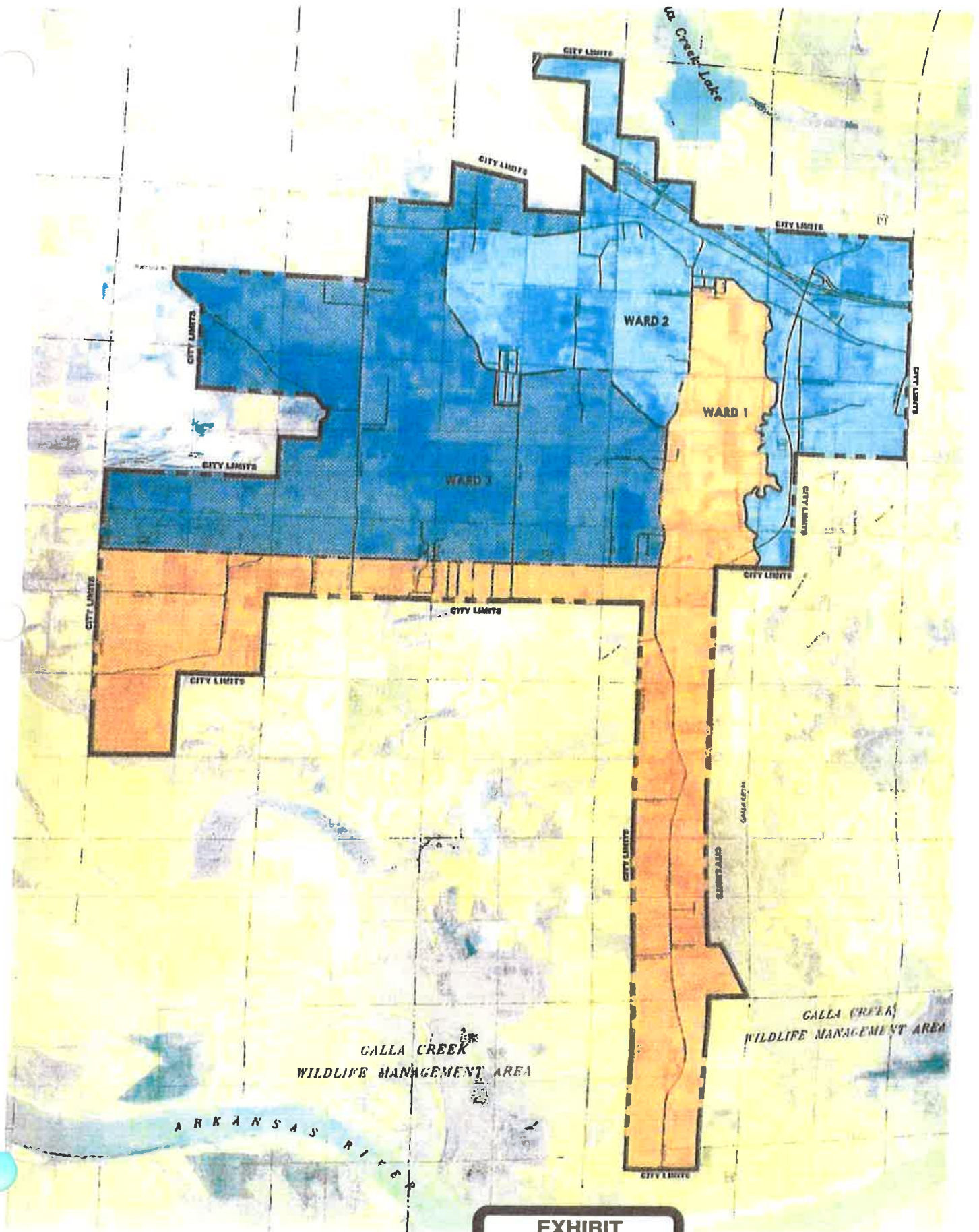
CHAPTER 2.08

CITY AND WARD BOUNDARIES

Sections:

- 2.08.01 Map of city

2.08.01 Map of city In order to establish substantially equal populations for each city ward, the Pottsville City Council hereby approves and adopts the map attached hereto as Exhibit "A" as the new ward boundary map for the City of Pottsville, which shall be effective January 1, 2023, and which shall after the effective date serve as the official ward map for the City of Pottsville, Arkansas. (Ord. No. 2022-5, Sec. 1)



EXHIBIT

A

tabbies

CHAPTER 2.12**SOCIAL SECURITY COVERAGE****Sections:**

- 2.12.01 Contract
- 2.12.02 Withholding taxes from wages
- 2.12.03 City to match withholding

2.12.01 Contract The Mayor and City Clerk/Treasurer are hereby authorized and directed to enter into an agreement with the State for the purpose of obtaining insurance coverage for the employees of the city under the terms and provisions of the Federal Social Security Act. (Ord. No. 2020-4, Exh. A-12)

2.12.02 Withholding taxes from wages Each employee's insurance contribution shall be deducted from his salary check in accordance with the terms and provisions of the Social Security Act.

2.12.03 City to match withholding There is hereby appropriated from the general fund of the city the sums of money necessary to pay the city's share of the insurance tax in accordance with the terms and provisions of the Social Security Act.

CHAPTER 2.20**CITY COUNCIL****Sections:**

- 2.20.01 Council meetings - regular
- 2.20.02 Council meetings - special
- 2.20.03 Freedom of information procedure
- 2.20.04 Order of business
- 2.20.05 Duties
- 2.20.06 Salary

2.20.01 Council meetings - regular The city of Pottsville shall hold City Council meetings at 6:30 p.m. on the fourth Monday of each month. The City Council by majority vote may reschedule or cancel such meetings as it deems necessary on a meeting by meeting basis. In the event the fourth Monday falls on a holiday or some other special occasion, the Mayor shall notify the City Council and proper authorities of the change in the time and manner prescribed by law. (Ord. No. 2020-4, Exh. A-14)

Except as otherwise specified by law, all meetings of the city council, formal or information, special or regular, shall be open to the public. (Ord. No. 2020-1, Sec. 3)

The time and place of each meeting shall be furnished to anyone who requests the information. (Ord. No. 2020-1, Sec. 4)

2.20.02 Council meetings - Special Special meetings of the council may be held upon the call of the Mayor or by three members of the council. Notice of the special meeting may be provided to the council members by giving notice in writing of which notice shall be served personally or through confirmed telephone contact or through the U.S. Postal Service system; and, said notice shall state the date and time of the meeting and the purpose thereof. (Ord. No. 2020-1, Sec. 6)

In the event of special or emergency meetings the party calling for such a meeting shall notify the representatives of the new papers, radio, and/or television stations, if any, which are located in Pope County and any news media located elsewhere that covers the regular meetings of the governing body and which have requested to be so notified of such emergency or special meetings of the time, place, and date of the meeting. Notification shall be made at least two hours before the meeting takes place in order that the public shall have representatives at the meeting. (Ord. No. 2020-1, Sec. 5)

Ordinance numbers 2012-5, 92-2, and 92-2-A are hereby revoked. Further, any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. (Ord. No. 2020-1, Sec. 7)

2.20.03 Freedom of information procedure All meetings of the City Council shall be public meetings. Notice of the time, place and date of all special meetings shall be given to representatives of the newspapers and radio stations located in Pope County which have requested to be notified at least two (2) hours before the special meeting takes place.

2.20.04 Order of business At all meetings of the City Council, the following shall be the order of business unless the Council by a majority vote shall order otherwise:

- A. Call to Order
- B. Pledge
- C. Prayer
- D. Roll call

- E. Approval of minutes of the previous meeting(s)
- F. Report of Department Heads and Standing Committees
- G. Old Business
- H. New Business
- I. Council Requests or Comments
- J. Mayor's Comments or Presentations
- K. Public Comment
- L. Adjournment"

(Ord. No. 2020-4, Exh. A-16)

2.20.05 Duties Each Pottsville City Council members shall be responsible for the duties of his or her position pursuant to A.C.A. § 14-43-502 and Arkansas State law currently in effect and as amended from time to time. (Ord. No. 2022-8, Sec. 1)

It is the duty of each Pottsville City Council member to stay knowledgeable as to the Arkansas State law provisions that govern the duties of that position. (Ord. No. 2022-8, Sec. 2)

2.20.06 Salary City council members shall each be paid \$100.00 per month for meetings. This expenditure shall be budgeted annually by the Pottsville City Council. (Ord. No. 2022-8, Sec. 3)

CHAPTER 2.24

MAYOR

Sections:

- 2.24.01 Office created
- 2.24.02 Definitions
- 2.24.03 Election
- 2.24.04 Duties
- 2.24.05 Appointment of officers
- 2.24.06 Salary
- 2.24.07 Mayor's hours

2.24.01 Office created The office of Mayor is hereby created. (Ord. No. 2020-4, Exh. A-17)

2.24.02 Definitions

- (a) "Full Time" shall be defined as working a minimum of 40 hours per week.
- (b) A "newly elected mayor" shall be defined as a person who is elected to the position of Mayor but who was not the immediately preceding Mayor of the City of Pottsville, Arkansas. This term does not apply to the incumbent Mayor who is re-elected to the position of Mayor.
- (c) "Part time" shall be defined working less than 40 hours per week. (Ord. No. 2022-7, Sec. 1)

2.24.03 Election On the Tuesday following the first Monday in November 1970, and every four (4) years thereafter, the qualified voters of the city of Pottsville, Arkansas, shall elect a Mayor for four (4) years. (Ord. No. 2020-4, Exh. A-18)

2.24.04 Duties The powers and duties of Mayor are found in A.C.A. 14-43-401 and 14-43-504. Failure to perform said duties may result in removal from office for nonfeasance in accordance with A.C.A. 14-42-109. (Ord. No. 2022-7, Sec. 10)

2.24.05 Appointment of officers The Mayor shall appoint Department Heads of the City whose election or appointment is not provided for by state statutes or city ordinances. (Ord. No. 2020-4, Exh. A-19)

2.24.06 Salary

The City Council declares that the position of Mayor shall be a full-time position beginning January 1, 2023. (Ord. No. 2022-7, Sec. 2)

The City Council hereby adopts the following pay scale for a full-time mayor being \$45,000.00 to \$55,000.00, with the City Council establishing the exact salary to be paid to the Mayor each budgetary year based on, but not limited to, the following considerations: the Mayor's experience in office, the current and future needs of the city, ongoing and upcoming projects of the city, and the fiscal needs of the City. (Ord. No. 2022-7, Sec. 3)

The City Council hereby declares that the mayoral position shall revert to part-time for the following term beginning January 1, 2027 and ending December 31, 2030 and all terms thereafter. (Ord. No. 2022-7, Sec. 4)

The City Council further declares that the salary for the mayor shall automatically revert to \$27,000.00 per year beginning January 1, 2027 for the 2027-2030 term and each term thereafter unless otherwise specified by the City Council by a majority vote prior to the date the filing period for the Mayoral position closes. However, the exact salary to be paid to the Mayor each budgetary year shall be based on, but not limited to, the following considerations: the Mayor's experience in office, the current and future needs of the city, ongoing and upcoming projects of the city, and the fiscal needs of the City. (Ord. No. 2022-7, Sec. 5)

The Mayor shall be paid bi-monthly on the same schedule as other elected municipal officials and city employees. (Ord. No. 2022-7, Sec. 8)

The City Council specifically authorizes the Mayor's salary to be paid from the general and/or water budget. (Ord. No. 2022-7, Sec. 9)

2.24.07 Mayor's hours A full-time Mayor shall be entitled to two (2) weeks of vacation time per year. (Ord. No. 2022-7, Sec. 6)

A full-time Mayor shall maintain regular business hours, Monday through Friday, conducting city business. Due to the limitations of number of personnel in the office of Mayor, allowances are expected to be made for official city business that takes place out of the office (i.e. responding to and assisting the needs of city departments), lunch breaks, errands and periods of necessary leave such as for illness, vacation or work conferences and public appearances. Generally, the Mayor must make considerable effort to be available for the public during normal business hours. The Mayor shall not engage in any non-city employment during regular business hours. (Ord. No. 2022-7, Sec. 7)

CHAPTER 2.28

CITY CLERK/TREASURER

Sections:

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|---------|--------------------------------|
| 2.28.01 | Office created |
| 2.28.02 | Duties of City Clerk/Treasurer |
| 2.28.03 | Setting Salary |

2.28.01 Office created. The office of City Clerk/Treasurer is hereby created. The duties of this office shall be fixed by the laws of the State of Arkansas and Ordinances of the City for city clerks and city treasurers. (Ord. No. 2020-4, Exh. A-22)

2.28.02 Duties of City Clerk/Treasurer The City Clerk/Treasurer shall be responsible for the duties of his or her position as set out in the applicable law of the State of Arkansas and city ordinances. (Ord. No. 2020-2, Sec. 1)(Ord. No. 2020-4, Exh. A-23)

It is the duty of the City Clerk/Treasurer to stay knowledgeable as to the Arkansas State law provisions that govern the duties of that position. (Ord. No. 2020-2, Sec. 2)

2.28.03 Setting Salary That beginning January 1, 2023, the City Clerk/Treasurer's salary shall be eighteen thousand dollars (\$18,000.00) annually. (Ord. No. 2022-6, Sec. 1)

Ordinance No. 2021-1 is hereby revoked. Further, any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. (Ord. No. 2021-6, Sec. 2)

CHAPTER 2.32

CITY ATTORNEY

Sections:

- | | |
|---------|-------------|
| 2.32.01 | Appointment |
| 2.32.02 | Duties |

2.32.01 Appointment. The City Attorney shall be a regularly licensed attorney of this State. If no attorney resides within the City limits of the City of Pottsville, Arkansas, or if no resident attorney is elected, the Mayor and City Council may appoint any regularly licensed attorney of this State to serve as the Municipal Attorney. (Ord. No. 92-03, Sec. 1)

2.32.02 Duties. The City Attorney is authorized to file information for the arrest of any person for violation of any ordinance of the City or laws of the State of Arkansas which are violated within the limits of the City.

The duties of the Municipal Attorney is to represent the City in all actions, both civil and criminal. It is the duty of the City Attorney to advise the City officials at any time so requested, prepare all legal papers, block forms, etc., to file a report of his work with the City Council on a monthly or end-of-yearly business, and furnish all information in his possession to the State Court for the prosecution of cases in the State Courts if so requested. (Ord. No. 92-03, Sec. 1.)

CHAPTER 2.36

FIRE DEPARTMENT

Sections:

- | | |
|---------|---------------------------------------|
| 2.36.01 | Title and Objectives |
| 2.36.02 | Membership |
| 2.36.03 | Organization and Election of Officers |
| 2.36.04 | Duties of the Chief |
| 2.36.05 | Duties of the Assistant Chief |
| 2.36.06 | Duties of the Officers |
| 2.36.07 | Duties of the Marshal |
| 2.36.08 | Fire Personnel |
| 2.36.09 | Amendment of the By-Laws |
| 2.36.10 | Outside Fire Service |

2.36.01. Title and Objectives

- A. This organization shall be known as the Pottsville City and Rural Fire Department. (Ord. No. 2022-2, Article 1: Sec. 1)
- B. The objective shall be the preservation and protection of lives and property from and during such fires as may occur in the Pottsville Fire Protection District. (Ord. No. 2022-2, Article 1: Sec. 2)

- C. The following legal description is comprised from Pope County Quorum Court Ordinance No. 80-0-34 setting the boundaries for the Pottsville Fire Protection District:

W ½ of Section 3, all of Sections 4 through 9, W ½, of Section 10, all W ½, of Sections 15 and 16 North of Arkansas River, all of Sections 17 and 18, Township 6 North, Range 19 West, all of Sections 7 through 9, W ½ of Sections 10 and 15, all of Sections 16 through 21, W ½ of Sections 22 and 27, all of Sections 28 through 33, W ½ of Section 34, Township 7 North, Range 19 West, all of Sections 1 through 3, all of Sections 4 and 9 East of Arkansas River, all of Sections 10 through 13 North of Arkansas River, all of Sections 14 and 15 North of Arkansas River, Township 6 North, Range 20 West.

Section 10 outside city limits of Russellville, all of Sections 11 through 14, Section 15 outside city limits of Russellville, Sections 16 and 17 outside city limits of Russellville, all of Sections 20 through 28, Section 29 and 32 East of Arkansas River, all of Sections 33 through 36, Township 7 North, Range 20 West.

An area located in Cliff and Stream Estates is an isolated area for the Pottsville Fire Department to protect. Since this area is isolated from the Pottsville Fire Department, property owners in this area have asked to be served by the Crow Mountain Fire Department. This would be advantageous to those property owners, since the area in question is a part of the Cliff and Stream Estates Subdivision already served by the Crow Mountain Fire Department.

The Pottsville Fire Department agrees to release Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 of Cliff and Stream Estates in Pope County, Arkansas. (Ord. No. 2022-2, Article 1, Sec. 3).

2.36.02. Membership.

- A. The Department shall be composed of as many members as the fire chief shall deem necessary. (Ord. No. 2022-2, Article 2, Sec. 1)
- B. Applicants shall be a minimum of 18 years of age and must live within ten (10) driving miles of the Pottsville Fire Department located at 173 East Ash, Pottsville, Arkansas. This shall continue to be the point of reference even if the actual fire department moves from its current location. (Ord. No. 2022-2, Article 2, Sec. 2)
- C. Applicants shall fill out an application and leave at City Hall during Business Hours or Email Application to a designated Email Address. Applicants' applications will be on file for a period of one year. (Ord. No. 2022-2, Article 2, Sec. 3)

- D. If it is deemed necessary to add a new member the list of candidates will be presented to the Department by the Chief and shall be reviewed by the department, at which time the best candidate shall be called in for an interview with the department. The best candidate will be at the discretion of the chief. (Ord. No. 2022-2, Article 2, Sec. 4)
- E. Election of candidates shall be made by a 2/3's majority vote of the members present. (Ord. No. 2022-2, Article 2, Sec. 5)
- F. Upon election to the department the new member shall enter a six-month period of probation. The new member shall not be allowed to exhibit use of lights or siren during the probation period. The new member shall not be allowed to drive any fire department apparatus except during training unless directed by an officer of the department. During the six-month probationary period, the new member shall take the following classes taught by the fire department: Introduction to Firefighting, Personal Protective Equipment, and CPR. Also, the new member shall take Wildland Firefighting, a class taught only by the Arkansas Forestry Commission, within the six-month probationary period which may require the new member to travel. The six-month probationary period may be extended, by a majority vote of the department officers, in the event the new member was unable to obtain sufficient observation time and training. However, the probationary period shall in no event exceed one year. (Ord. No. 2022-2, Article 2, Sec. 6)
- G. At the end of the probation period election as to regular membership shall be made by the members of the Department by a 2/3's majority vote of fire department personnel. The prospective member of such election shall not be present at the meeting. (Ord. No. 2022-2, Article 2, Sec. 7).

2.36.03. Organization and Election of Officers

The officers of the department shall be:

- a. Chief;
 - b. Assistant Chief;
 - c. 2-3 Captains determined by the Chief;
 - d. Fire Marshall, which can be held by an officer or any qualified member;
 - e. Lieutenants, if determined necessary by the Chief; and
 - f. Such committees as may be necessary for the proper transactions of business.
- (Ord. No. 2022-2, Article 3, Sec. 1)

The fire chief shall be appointed by the mayor and confirmed by city council by majority vote. The officers shall be appointed by the fire chief with recommendation from the assistant chief. (Ord. No. 2022-2, Article 3, Sec. 2).

2.36.04. Duties of the Chief

- A. It shall be the duty of the Chief to call and direct all regular and special meetings; to preside at all meetings; to preserve order; and to decide all points of order that may arise. An appeal by a majority of all members present shall be necessary to reverse a decision of the chief. (Ord. No. 2022-2, Article 4, Section 1)
- B. It shall be the duty of the Chief to set duties of subordinates and see that subordinate officers carry out their duties. (Ord. No. 2022-2, Article 4, Sec. 2)
- C. It shall be the duty of the Chief to give a casting vote in case of a tie; and, to carry out and enforce the by-laws of the department to the best of his ability. (Ord. No. 2022-2, Article 4, Sec. 3)
- D. It shall be the Chief's duty to be present at all fires if possible and to plan the attack. (Ord. No. 2022-2, Article 4, Sec. 4)
- E. It shall be the duty of the Chief to make a report at the next regular meeting of all fires and give as clearly as possible all facts about the fire. The Chief shall also make a monthly report to be presented to the city council and Mayor. (Ord. No. 2022-2, Article 4, Sec. 5)

2.36.05. Duties of the Assistant Chief

- A. It shall be the duty of the assistant chief to perform the duties of the chief if the chief is absent from town or incapacitated for an extended period of time. In this case, the assistant chief shall perform the day-to-day operations of the fire department.

However, the assistant chief shall obtain the express permission of the chief prior to executing any contracts or other documents or making purchases on behalf of the fire department. If the chief cannot be reached, the assistant chief shall obtain the express permission of the Mayor prior to executing any contracts or other documents or making purchases or expenditures on behalf of the fire department. (Ord. No. 2022-2, Article 5, Sec. 1)

- B. It shall be the duty of the assistant chief to assist the chief as necessary in the discharge of his duties. (Ord. No. 2022-2, Article 5, Sec. 2)
- C. It shall be the duty of the assistant chief to be in charge of the assignment of all personal protective equipment and pagers, radios and any other communications equipment to fire department personnel. (Ord. No. 2022-2, Article 5, Sec. 3)
- D. It shall be the duty of the assistant chief to be in charge of all personnel relations, to try to resolve conflicts and keep the chief informed of any conflicts or issues that arise among firefighters or within the department. (Ord. No. 2022-2, Article 5, Sec. 4)

2.36.06 Duties of the Officers

- A. It shall be the duty of the officers to take charge of the property of the department and to see that it is properly cared for. (Ord. No. 2022-2, Article 6, Sec. 1)
- B. It shall be the duty of the captains to carry out lawful orders from a superior officer in a timely manner, to assist the chief or assistant chief in planning the attack on fires in the absence of the chief or assistant chief, to plan the attack on fires, and to act as a commander of an assigned firefighting unit. (Ord. No. 2022-2, Article 6, Sec. 2)
- C. It shall be the responsibility of all captains to become ITCO as soon as possible after being appointed to the position of the captain. (Ord. No. 2022-2, Article 6, Sec. 3)
- D. It shall be the duty of lieutenants to carry out lawful orders from superior officers in a timely manner, assist and help captains with taking care of the departments equipment and with any assignment given for operations of the department, and take charge or command of fire scenes if no other officer is on scene. (Ord. No. 2022-2, Article 6, Sec. 4)

2.36.07 Duties of the Marshal

- A. The fire chief or his duly appointed representative shall serve as the fire marshal for the City of Pottsville. The fire marshal shall perform his duties as fire marshal under the supervision of the fire department chief. (Ord. No. 2022-2, Article 7, Sec. 1)
- B. The duties of the fire marshal shall include providing fire prevention programs to the public and promoting fire safety for the Pottsville Fire Department and the community of Pottsville. (Ord. No. 2022-2, Article 7, Sec. 2)
- C. The fire marshal shall conduct fire inspections and enforce national, state and local fire building codes and standards. (Ord. No. 2022-2, Article 7, Sec. 3)
- D. The fire marshal shall also supervise and conduct investigations to determine fire cause and origin. (Ord. No. 2022-2, Article 7, Sec. 4)

2.36.08 Fire Personnel

- A. It shall be the first and foremost duty of each and every fire personnel to obey all lawful commands of their officers while on duty. (Ord. No. 2022-2, Article 8, Sec. 1)

It shall be the duty of the fire personnel to be prompt to all meetings; and, upon every alarm of fire to assemble without delay at the place of the alarm or prearranged place, and to get the apparatus and equipment in operation as quickly as possible. No fire personnel shall be permitted to leave until all equipment and vehicles are back in operation unless authorized by officer in charge. When responding to the station pursuant to a call in a personal vehicle, the firefighter has a choice of responding with or without red lights and siren. When responding with red lights and sirens, lights shall have 360-degree visibility and a working 100-watt siren. Flashing headlights and four-way flashers are not acceptable, and firefighters will obey all state criminal and civil codes and regulations and/or city ordinances as it pertains to emergency responding vehicles. The Pottsville Fire Department assumes no liability for accidents involving personal vehicles. When driving a fire truck for the Pottsville Fire Department the driver will obey all state codes and statutes for emergency responding vehicles. The driver is responsible for the operations of the truck he is driving and will be the designated pump operator. The driver will not leave the truck unless he is relieved by a qualified person under the orders of an officer. The driver is also responsible for getting the truck back in service. Drivers will obey all state criminal and civil codes and regulations and/or city ordinances as it pertains to emergency responding vehicles. (Ord. No. 2022-2, Article 8, Sec. 2)

- B. It shall be the duty of each fire personnel to report to the officer in charge at each fire or drill. (Ord. No. 2022-2, Article 8, Sec. 3)
- C. No fire personnel shall be excused from attending a regular or special meetings (including training and drills) except on grounds of work, sickness, or absolute necessity. All members must notify an officer prior to the meeting of intent to miss. Failure to do so will necessitate an unexcused absence. An excessive number of unexcused absences will place the member before the disciplinary committee (consisting of the officers and one member of the fire department chosen by a vote from the fire department members). The chief will determine if an absence is excused. The basic criteria for an excused absence will consist of, but not be limited to work or illness the firefighter or family member. Four (4) absences within a 12-month period of time will be considered excessive absenteeism. The City of Pottsville and Pottsville Fire Department believe that every member is a valuable part of ensuring the protection of the citizens of Pottsville and, therefore, it is paramount that every firefighter obtain and maintain as much training as possible. (Ord. No. 2022-2, Article 8, Sec. 4)
- D. No fire personnel shall appear at a meeting of the department or on duty under the influence of any intoxicating substance or alcohol; use insulting, indecent or improper language; engage in conduct unbecoming of a lady or gentleman; or, otherwise bring disgrace upon the department.

The City of Pottsville believes that members of the Fire Department should be held to a

higher standard and shall conduct themselves in a proper manner. Any fire personnel who engage in unbecoming conduct shall be suspended and/or discharged. Further, no fire personnel shall be convicted of a crime carries as a punishment any period of incarceration. Any fire personnel who are found guilty of such a crime shall be suspended or discharged. (Ord. No. 2022-2, Article 8, Sec. 5)

To maintain membership in the fire department, within one (1) year from the date of joining the department, each member must take the following training courses: (a) introduction to firefighting, (b) protective equipment, and (c) wild land fire suppression. Members shall take a Medical Responder course and successfully pass withing 2 years of joining the Department. Exceptions will be made by a two-thirds (2/3) majority vote of members present. (Ord. No. 2022-2, Article 8, Sec. 6)

- E. Any fire personnel of the department who fails to perform the duties and requirements as outlined in Article 6 of this document shall be brought before a disciplinary committee composed of officers of the department and one member of the department, which shall determine whether to bring dismissal charges or take other action. (Ord. No. 2022-2, Article 8, Sec. 7)
- F. No Fire Personnel will have excessive facial hair as described in Pottsville Fire Department Policy 2017-1. (Ord. No. 2022-2, Article 8, Sec. 8)

Any fire department personnel that have a problem with another fire department member shall report the problem to the assistant chief in a timely manner after the occurrence of the problem. Any member of the fire department who is observed on the fire ground, fire department property, or any other public property by any private citizen or another fire department member conducting themselves in an inappropriate manner shall be reported by the person(s) observing this behavior in a timely manner to the assistant chief. The assistant chief will interview all parties involved and make an attempt to resolve the problem or inappropriate behavior as soon as possible after the incident has occurred. If the situation cannot be resolved successfully by the assistant chief, the assistant chief and all involved parties shall go to the fire chief to further try to resolve the situation.

The fire chief has the option, depending on the severity of the incident, to meet with all parties and resolve the situation reasonably or to convene the disciplinary committee. This disciplinary action could be any of the following: the member may be put on a probation period set by the committee or removed from the fire department depending on the severity of the incident and the past record of complaints against the member involved in the incident. (Ord. No. 2022-2, Article 8, Sec. 9)

It is the intention of the Pottsville Fire Department to promote good relations between fire department members and the fire department and the public. Therefore, fighting, cursing

other members, and any other behavior that is deemed unfit will not be tolerated on fire department property, on the fire grounds, or in general public. (Ord. No. 2022-2, Article 8, Sec. 10)

- G. Any fire department personnel who wish to take a leave of absence must present the request for leave, including the reason the leave time is requested, in writing at a regular scheduled meeting. Once presented, the fire department chief can authorize the leave up to six months without re-entry requirements. (Ord. No. 2022-2, Article 8, Sec. 11)

H. Auxiliary Department Members

The department may have auxiliary members that were former Pottsville Fire Department members. Members that have fulfilled 28 years of service and have retired from the Pottsville Fire Department, shall take a period of 90 days leave from the fire department then they may be permitted to return to the Pottsville Fire Department as Auxiliary members. Auxiliary members shall not be required to maintain a minimum percentage of fires or medical calls responded to as normal members are required to be eligible to receive response pay. Additionally, auxiliary members shall not be subject to attendance requirements as defined in Article 8 Section 4 of this document. However, Auxiliary members shall be required to attend a minimum of two (2) meetings per quarter for a total of 8 trainings or meetings per year to continue their education and be apprised and updated on changes within the department. (Ord. No. 2022-2, Article 8, Sec. 12)

2.36.09 Amendment of the By-Laws

To amend the By-laws, the proposed changes must be presented at a regularly scheduled meeting. After the meeting, all fire personnel shall be notified of the suggested changes. A vote at the next regularly scheduled meeting will be taken. A two thirds (2/3) majority vote of the fire department personnel shall be required to pass the amendment. Upon passing the amendment, the fire chief will then take the amendment to the next regularly scheduled city council meeting and present the amendment to the city council and Mayor for approval of the By-Law changes. (Ord. No. 2022-2, Article 9)

2.36.10 Repealer Ordinance No. 2005-10 is hereby revoked. Further, any and all prior resolutions, ordinances, or parts of the same, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. (Ord. No. 2022-2, Article 10)

CHAPTER 2.40**POLICE DEPARTMENT****Sections:**

2.40.01	Established
2.40.02	Powers
2.40.03	Chief of Police
2.40.04	Duties

2.40.01 Established A city Police Department is hereby established to become effective and operational as of January 1, 1997, and thereafter, in compliance and directives of the city and Arkansas state law, with all right, duties, obligations and benefits, i.e. retirement to be established under payroll deductions as established under Arkansas state law for cities of the first class. (Ord. No. 96-3, Sec. 1.)

2.40.02 Powers Municipal Police Officers shall have the same police powers within the city limits of Pottsville as is allowed and authorized under Arkansas state law, municipal ordinances and/or state law and as authorized. (Ord. No. 96-3, Sec. 1.)

2.40.03 Chief of Police The Chief of Police in the city of Pottsville shall be appointed or removed by the Mayor unless the Council shall, be two-thirds majority of the total membership of the Council, vote to override the Mayor's action. (Ord. No. 96-3, Sec. 1)(Ord. No. 2020-4, Exh. A-41)

2.40.04 Duties

- A. The Chief of Police and other officers of the Police Department shall be under the direction of the Mayor.
- B. It shall be their duty to: 1) Suppress all riots, disturbances, breaches of the peace, enforce the ordinances of the municipality and Arkansas State laws and 2) To pursue and arrest any person fleeing from justice in any part of this state and those other duties as defined by Arkansas State law." (Ord. No. 96-3, Sec. 1)(Ord. No. 2020-4, Exh. A-42)
- C. The Pottsville Police Department is hereby authorized to charge and collect a Ten Dollar (\$10.00) fee for taking and entering every bail or deliver bond associated with Pottsville city arrests. The Court Clerk shall on or before the last day of each month transmit to the City Treasurer the fees collected under this section. (Ord. No. 97-13, Secs. 1-2.)

CHAPTER 2.44

DISTRICT COURT

Sections:

- 2.44.01 District Court established
- 2.44.02 Qualifications and powers of District Judge
- 2.44.03 Fines
- 2.44.04 Collection of fines

2.44.01 District Court established The District Court is hereby established for the city.

2.44.02 Qualifications and powers of District Judge The District Judge shall possess the same qualifications and have the same powers, jurisdiction, functions and duties as is provided by state law for other District Judges.

2.44.03 Fines

- A. Pursuant to Act 209 of 2009 of the General Assembly of the state of Arkansas, an additional fine of Twenty Dollars (\$20.00) shall be levied and collected from each defendant who pleads guilty or nolo contendere to, is found guilty of or forfeits bond for any misdemeanor violation in the District Court, Pottsville division within Pope County, Arkansas.
- B. The additional fine levied and collected shall be paid into the city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating city prisoners, including the construction and maintenance of the city jail, if applicable, and payments to other entities for incarcerating other city prisoners and transportation of prisoners for incarceration.
- C. Revenues derived from the additional fines levied and collected under this ordinance shall not offset or reduce funding from other sources for the maintenance, operation and capital expenditures of the Pope County jail, as it applies to Pottsville prisoners.
- D. It is the intent of this ordinance that the Twenty Dollar (\$20.00) fines levied hereby shall, in fact, be an additional and mandatory fine, and shall not be waived or reduce other fines imposed by law. (Ord. No. 2009-3, Secs. 1-4.)

2.44.04 Collection of fines The Pottsville District Court Clerk is designated as the person primarily responsible for the collection of fines assessed in District Court for the city of Pottsville, Arkansas. (Ord. No. 2015-1, Sec. 1.)

CHAPTER 2.48SALARIES OF EMPLOYEESSection:

- 2.48.01 Includes pay for holidays
2.48.02 Retirement

2.48.01 Includes pay for holidays The appropriations made by the City Council for salaries shall include additional pay for holidays for all agents, servants and employees of the city, including but not limited to uniformed employees, as provided by the laws of the state of Arkansas.

2.48.02 Retirement That the City of Pottsville is authorized to change the employees' retirement account provider from its current provider, Prime America, to Arkansas Public Employees Retirement System. The police and fire department will stay with LOPFI as required by law. (Ord. No. 2018-05, Sec. 1.)

CHAPTER 2.52

DOING BUSINESS WITH THE CITY

Sections:

2.52.01 Authorization to Do Business with the City

2.52.01 Authorization to Do Business with the City "No alderman, council member, official, or municipal employee shall be interested, directly or indirectly in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting aldermen, council members, officials, or municipal employees to conduct business with the city and prescribing the extent of this authority." (Ord. No. 2019-6, Sec. 1)

The Pottsville City Council hereby declares that it recognizes that Williamson Construction, owned by Councilman Steve Williamson, was the bidder selected in a sealed bidding process to construct the new Pottsville city hall building and that contracting with Steve Williamson will benefit him financially. (Ord. No. 2019-6, Sec. 2)

The Pottsville City Council specifically authorizes the City of Pottsville to contract with Councilman Steve Williamson to build the new Pottsville city hall building. (Ord. No. 2019-6, Sec. 3)